

Senate File 2275 - Enrolled

Senate File 2275

AN ACT

RELATING TO ELUDING OR ATTEMPTING TO ELUDE A PURSUING LAW
ENFORCEMENT VEHICLE AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.279, Code 2020, is amended to read
as follows:

**321.279 Eluding or attempting to elude pursuing law
enforcement vehicle.**

1. a. The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of [this section](#), "peace officer" means those officers designated under [section 801.4, subsection 11](#), paragraphs "a", "b", "c", "f", "g", and "h".

b. The driver of a motor vehicle who commits a second or subsequent violation under this subsection is, upon conviction, guilty of an aggravated misdemeanor.

2. a. The driver of a motor vehicle commits an aggravated misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible

signal as provided in [this section](#) and in doing so exceeds the speed limit by twenty-five miles per hour or more.

b. The driver of a motor vehicle who commits a violation under this section and who has previously committed a violation under this section or subsection 3 is, upon conviction, guilty of a class "D" felony.

3. a. The driver of a motor vehicle commits a class "D" felony if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in [this section](#), and in doing so exceeds the speed limit by twenty-five miles per hour or more, and if any of the following occurs:

~~a.~~ (1) The driver is participating in a public offense, as defined in [section 702.13](#), that is a felony.

~~b.~~ (2) The driver is in violation of [section 321J.2](#) or [124.401](#).

(3) The driver is in violation of section 124.401.

~~c.~~ (4) The offense results in bodily injury to a person other than the driver.

b. The driver of a motor vehicle who commits a second or subsequent violation under this subsection is, upon conviction, guilty of a class "C" felony.

Sec. 2. Section 321J.2, subsection 3, paragraph b, subparagraph (2), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) If the offense was committed in violation of section 321.279, subsection 3, paragraph "a", subparagraph (2).

Sec. 3. Section 907.3, subsection 1, paragraph a, subparagraph (6), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) If the offense was committed in violation of section 321.279, subsection 3, paragraph "a", subparagraph (2).

Sec. 4. Section 907.3, subsection 2, paragraph a, subparagraph (2), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) The offense is a violation of section 321.279, subsection 3, paragraph "a", subparagraph (2).

CHARLES SCHNEIDER
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2275, Eighty-eighth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2020

KIM REYNOLDS
Governor